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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,683	12/31/2003	William Arthur Stewart Buxton	1252.1077	1974
21171	7590	03/14/2007		
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER AMINI, JAVID A	
			ART UNIT	PAPER NUMBER
			2628	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/14/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

<b>Application No.</b> 10/748,683	<b>Applicant(s)</b> BUXTON, WILLIAM ARTHUR STEWART	
<b>Examiner</b> Javid A. Amini	<b>Art Unit</b> 2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9, 11-18 and 20-24 is/are rejected.
- 7) ☒ Claim(s) 8, 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Arguments***

Applicant's arguments filed 1/12/2007 have been fully considered but they are not persuasive.

Applicant on page 6 of the remark argues the current invention in fig. 1 illustrates a graphical element 28, but figs. 3a and 3b of the reference do not illustrate the graphical element.

Examiner's reply: the figs. 3a and 3b of the reference are slightly different from fig. 1 in current invention. The goal here is to identify the boundaries and to understand how the claims relate to and define what the applicant has indicated is the invention. See *In re Hiniker Co.*, 150 F.3d 1362, 1369, 47 USPQ2d 1523, 1529 (Fed. Cir. 1998) (“[T]he name of the game is the claim.”).

Examiner's interpretation: The preamble of the claim that contained “a graphical user interface displayed .....” is considered very broad, therefore the reference Buxton at col. 3, lines 8-10 teaches allowing art work or documents to change orientation while interface elements remain in a fixed orientation.

Examiner's suggestion: the independent claims may explicitly specify type of interface element.

Applicant arguments regarding the independent claims 7, 11, 13, 18, 20, 21, 23 and new claim 24 on pages 6-8 similar to argument for independent claim 1, therefore, in view of the above (Examiner's reply) applies to the independent claims 7, 11, 13, 18, 20, 21, 23 and new claim 24.

***Allowable Subject Matter***

Claims 8 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: wherein the one or more interface elements oriented by the use orientation comprise at least one of a marking menu, a menu, a scrollbar, a tool palette, a pie menu, a gesture widget, a toolbar, and text; and wherein the other element of the user interface comprises at least one of a menu, a scrollbar, a taskbar, an element of a user shell, an element of a window manager, and an orient-less element.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 9, 11-18, 20-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Buxton et al. 6,115,025, hereinafter refer as Buxton.

1. Claim 1,

As per claim 1, “A graphical user interface displayed on a display and comprising a first part and a second part, the method comprising:” The preamble of the claim defines broadly a graphical user interface, Buxton in figs. 3a and 3b clearly illustrates two parts 34 and 30.

Art Unit: 2628

The second part of the claim defines: “the first part element is automatically reoriented relative to the display in accordance with a change to orientation/location information;” Buxton in fig. 3b illustrates the claim limitations. The following step of the claim invention “allowing the second interface part to remain in a same orientation relative to the display regardless of the change to the orientation/location information.” Discloses by Buxton in fig. 3 and see col. 4 lines 26-55. Also see Buxton at col. 3, lines 8-10 teaches allowing artwork or documents to change orientation while interface elements remain in a fixed orientation.

2. Claim 2,

A method according to claim 2, wherein the first part is a first user interface element and the second part is a second user interface element. Buxton at col. 4, line 30 teaches the claim limitations.

3. Claim 3,

A method according to claim 2, wherein a user explicitly determines the change to the orientation/location information. Buxton in fig. 6 step 86 teaches the claim limitation.

4. Claim 4,

A method according to claim 3, wherein the explicit determination comprises the user interactively inputting information that indicates an orientation. Buxton in fig. 6 step 86 teaches the claim limitation.

5. Claim 5,

A method according to claim 2, wherein the change to the orientation/location information is determined automatically based on a spatial orientation/location change relative to the display. The rejection of this claim is similar to the rejection of claim 1.

6. Claim 6,

A method according to claim 5, wherein the automatic determination comprises at least one of sensing the orientation of an input device, sensing the orientation/location of a user, automatically identifying an identify of a user. Buxton in fig. 6 step 88, and in fig. 7 steps 112, 120 teaches the claim limitations.

7. Claims 7, 9, 11-12,

In view of following claims' limitations, it is not necessary to repeat, the rejection of claims 1-6 applies to rejection of claims 7, 9, 11-12.

8. Claims 13-18, 20-24,

Claim 13 recites " a user interface used by a plurality of users," and the next part of the claim recites, " determining which one of the users is interacting with the user interface". Buxton at col. 3, lines 4-5 explicitly specify the claim limitation. In view of following claims' limitations, it is not necessary to repeat the teachings of the reference; therefore, the rejection of claims 1-6 applies to rejection of claims 13-18, 20-24.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

Art Unit: 2628

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javid A. Amini whose telephone number is 571-272-7654. The examiner can normally be reached on 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on 571-272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

J.A.

Javid A Amini  
Examiner  
Art Unit 2628



KEE M. TUNG  
SUPERVISORY PATENT EXAMINER